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TO: DIRECTOR, FBI (44-44202)
(ATTN: LEGAL COUNSEL DIVISION, CIVIL LITIGATION UNIT,
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FROM: SAC, CHICAGO (44-1503) (P) (Sq. 1)

IBERIA HAMPTON, ET AL v.
EDWARD HANRAHAN, ET AL
(U.S.D.C., N.D. ILL)
CIVIL ACTION NO. 70 C 1384

Re Chicago telcall to FBIHQ, 9/13/79.

Enclosed is a copy of the U.S. 7th Circuit Court of Appeals order dated 9/12/79 denying the petitions for rehearing and suggestions for rehearing en banc filed by the defendants-appellees in above captioned matter.

Chicago will maintain contact with AUSA for further developments in this case.

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Assistant Attorney General
Civil Division - Appellate Staff
Attention: Morton Hollander, Director

September 25, 1979

Assistant Director - Legal Counsel
Federal Bureau of Investigation

IBERIA HAMPTON, et al., v.
EDWARD V. HANRAHAN, et al.
(U.S.D.C., N.D. ILLINOIS)
CIVIL ACTION NO. 70-C-1384

Reference is made to our memorandum captioned as
above, dated May 3, 1979.

Our Chicago Field Office has advised us that the U.S.
Court of Appeals for the Seventh Circuit has denied all peti-
tions for rehearing in captioned litigation. I wish to reiterate
our previous concerns in this matter.

I strongly recommend that a petition for a writ of
certiorari be filed. I urge that this petition address not
only the issues of qualified immunity and interlocutory
counsel fees, but also the issue of sanctions. I remain
committed to pursue this matter to the fullest in order to
exonerate the conduct of our defendant Special Agents.

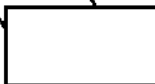
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Panthers ask FBI-tied judge to step aside

Lawyers for the Black Panthers Wednesday demanded that a federal judge step aside from appeals in their celebrated civil suit, citing the judge's past affiliation with the FBI.

The move follows the Oct. 1 disclosure in Law Memo, the weekly Sun-Times legal column, that U.S. Appeals Court Judge Wilbur F. Pell Jr. was an FBI special agent from 1942 to 1945 and a dues-paying member of a disputed FBI alumni group until September, 1977.

In April, Pell cast a strong dissent in a 2-to-1 opinion that reinstated the multimillion-dollar Panther suit against former Cook County State's Atty. Edward V. Hanrahan and others, including the FBI, who conducted the 1969 raid in which Panthers Fred Hampton and Mark Clark were killed.

In a motion filed in federal court here, the Panther lawyers asked that Pell "recuse" himself, or step down, from further Panther proceedings and strike his April dissent from the court record.

The 17-page motion alleges that Pell's dissent closely parallels what some critics see as the aims of the alumni group, the Society of Former Special Agents of the FBI.

Those critics portray the society as a vigorous lobbying arm of the FBI. They point out that in 1977 the society helped raise \$500,000 to pay legal fees for John J. Kearney, a former bureau supervisor indicted on charges of directing illegal mail opening and wiretapping.

Pell previously has said that he is not compromised by the past affiliations. He also said he did not take part in fund-raising for Kearney or several other former FBI officials.

INDICATED PAGE, NAME
NEWSPAPER, CITY AND
EDITION

Cg. Sun-Times
P.13

Cg. Illinois

DATE 10-18-79

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AUTHORS

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TITLE: Panthers ask

FBI-tied judge to step

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TO: DIRECTOR, FBI (44-44202)
(ATTN: LEGAL COUNSEL DIVISION, CIVIL LITIGATION
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FROM: ACTING SAC, CHICAGO (44-1503) (P) (Sq. 1)

IBERIA HAMPTON, ET AL v.
EDWARD HANRAHAN, ET AL
(U.S.D.C., N.D. ILL)
CIVIL ACTION NO. 70C1384

Re Chicago telcall to FBIHQ, 10/26/79.

On 10/25/79, AUSA [REDACTED] Chief,
Civil Division, Chicago, advised that on 10/24/79, the
Solicitor General's Office of the Department of Justice
authorized the filing of a Petition For Certiorari to the
U.S. Supreme Court in captioned matter on the issues of
1) Appellant's attorney fees, and 2) Qualified immunity.
The three additional issues suggested: reversal of the
directed verdict, sanctions against the government attorneys,
and summary contempts against plaintiffs' attorneys were not
to be included in the petition.

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Chicago will follow this matter and advise the Bureau
of any further developments.

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Panther lawyers hit judge's letters

By James Warren

Citing newly released documents, Black Panther lawyers Wednesday charged that improper correspondence between the trial judge and top federal officials suggest an early attempt to "whitewash" their celebrated case.

In a motion filed in U.S. Court of Appeals, the lawyers seek a new hearing on allegations that the government hid key evidence and ask for disciplinary measures against U.S. District Court Senior Judge Joseph Sam Perry.

Last April, a three-member appeals panel reinstated the multimillion-dollar civil suit against former Cook County State's Atty. Edward V. Hanrahan and others, including the FBI, who conducted the 1969 raid in which Panthers Fred Hampton and Mark Clark were killed.

During the original trial the Panther lawyers had moved for a mistrial, citing massive withholding of evidence. Perry turned them down but said he would consider the matter at trial's end.

The new documents, procured under Freedom of Information Act requests, indicate that while that issue was pending, correspondence took place between Perry, then-U.S. Atty. Gen. Edward H. Levi and Charles P. Kocoras, top assistant to then-U.S. Atty. Samuel K. Skinner.

The letters reveal that a year before he actually ruled, Perry essentially told Levi, Skinner and Kocoras—the officials asked to investigate charges of improper conduct by government lawyers—that he would rule in their favor.

For example, in an April 23, 1976, letter marked "confidential," Perry responded to a request by Kocoras for information concerning the conduct of the lawyers and several Federal Bureau of Investigation agents.

The judge concluded that the lawyers and agents "have represented all of the present and former FBI agents and the former informant for the FBI in the highest tradition of the Bar. They are to be commended for their conduct in a most difficult case."

The same day, Perry sent another letter marked "confidential" to Levi. He enclosed his letter to Kocoras and again concluded that the lawyers and agents "should be complimented for their standard of conduct in the case."

The Panther lawyers' motion states: "These false and glowing determinations of the good faith of the defendants and their attorneys were, of course, precisely what he ultimately ruled a year later on the motion for sanctions, which was pending before him when he wrote these letters."

Perry declined comment, and Levy, Kocoras and Skinner could not be reached.

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